

APPEAL, Pro Se ECF Filer, Pro Se Plaintiff

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:23-cv-00126-WES-PAS**

Seguin v. Rhode Island Department of Human Services et al
Assigned to: District Judge William E. Smith
Referred to: Magistrate Judge Patricia A. Sullivan
Demand: \$3,000,000

Date Filed: 03/30/2023
Date Terminated: 10/19/2023
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Case in other court: First Circuit, 23-01967 (requires PACER login)
First Circuit, 23-01978 (requires PACER login)

Cause: 18:1962 Racketeering (RICO) Act

Plaintiff

Mary Seguin

represented by **Mary Seguin**
P.O. Box 22022
Houston, TX 77019
281-744-2016
Email: maryseguin22022@gmail.com
PRO SE

V.

Defendant

**Rhode Island Department of Human
Services**
In its official capacity

represented by **Marissa D. Pizana**
RI Department of Attorney General
Civil Division
150 South Main Street
Providence, RI 02903
401-274-4400
Email: mpizana@riag.ri.gov
ATTORNEY TO BE NOTICED

Defendant

**Rhode Island Department of Human
Services Office Of Child Support
Services**
In its official capacity

represented by **Marissa D. Pizana**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Gero Meyersiek
In his individual and official capacity

represented by **Joanna M. Achille**
Burns & Levinson LLP
1 Citizens Plaza
Providence, RI 02903
(401) 831-8330
Fax: (617) 345-3299

Email: jachille@burnslev.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Michael D. Coleman

In his individual and official capacity

Defendant

Deborah A. Barclay

In her individual and official capacity

Defendant

Lisa Pinsoneault

In her individual and official capacity

Defendant

Carl Beauregard

In his individual and official capacity

Defendant

Kevin Tighe

Defendant

Monique Bonin

Defendant

Frank Dibiase

Defendant

Wendy A. Fobert

Defendant

Karla Caballeros

Defendant

Timothy Flynn

Defendant

Rhode Island Court System

Defendant

Paul A Suttell

*L in his individual and official capacity
as Executive Head OF Rhode Island State
Court System*

Defendant

Rhode Island Administrative Office of
State Courts

Defendant

Rhode Island Administrative Office of
the Superior Court

Defendant

Rhode Island Judicial Council

Defendant

Rhode Island Superior Court

Defendant

Rhode Island Superior Court Judicial
Council

Defendant

The Judicial Technology Center

Defendant

Julie Hamil

Defendant

Marisa P. Brown

Defendant

John Joseph Baxter, Jr.

Defendant

Justin Correa

Defendant

Rhode Island Office of the Attorney
General

Defendant

Rhode Island Office of the Attorney
General Open Government Unit

Defendant

Adam Roach

Defendant

Peter Neronha

Defendant

Tyler Technologies, Inc.

Date Filed	#	Docket Text
03/30/2023	<u>1</u>	COMPLAINT (filing fee paid \$ 402.00 receipt number ARIDC-1855567), filed by Mary Seguin.(DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023		CORRECTIVE DOCKET ENTRY Regarding: <u>1</u> Complaint. CORRECTIVE DOCKET ENTRY: This case has been electronically filed and processed, however, after a quality control review the following deficiencies were found:Civil Cover Sheet not attached. The filer is directed to file a Civil Cover Sheet within one day. (DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023	<u>2</u>	Civil Cover Sheet filed by Mary Seguin. Regarding New Case: <u>1</u> Complaint. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023	<u>3</u>	Summons Request filed by Mary Seguin. (Attachments: # <u>1</u> Rhode Island Department of Human Services Office of Child Support Services Summons, # <u>2</u> Gero Meyersiek Summons)(DaCruz, Kayla) (Additional attachment(s) added on 3/30/2023: # <u>3</u> Email) (DaCruz, Kayla). (Entered: 03/30/2023)
03/30/2023	<u>4</u>	MOTION for Leave to Proceed as Pro Se Electronic Filer filed by Mary Seguin. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023		CASE CONDITIONALLY ASSIGNED to District Judge William E. Smith and Magistrate Judge Patricia A. Sullivan. Related Case Number 23cv34 based upon a related case previously assigned to the presiding judge. The assignment is subject to the presiding judge's determination that the cases, in fact, are related. (DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023	<u>5</u>	CASE OPENING NOTICE ISSUED (DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023	<u>6</u>	Summons Issued as to Gero Meyersiek, Rhode Island Department of Human Services, Rhode Island Department of Human Services Office of Child Support Services. (Attachments: # <u>1</u> Rhode Island Department of Human Services Office Of Child Support Services Summons, # <u>2</u> Gero Meyersiek Summons)(DaCruz, Kayla) (Entered: 03/30/2023)
03/30/2023		TEXT ORDER granting <u>4</u> Motion for Leave to Proceed as Pro Se Electronic Filer. So Ordered by District Judge William E. Smith on 3/30/2023. (Urizandi, Nissheneyra) (Entered: 03/30/2023)
07/07/2023	<u>7</u>	ORDER TO SHOW CAUSE entered. Show Cause Response due by 7/21/2023. So Ordered by District Judge William E. Smith on 7/7/2023. (Urizandi, Nissheneyra) (Entered: 07/07/2023)
07/07/2023		CASE PERMANENTLY ASSIGNED: Since District Judge William E. Smith has determined that this case is in fact related to CA 22-cv-34 this case is permanently assigned to District Judge William E. Smith for all further proceedings. (Urizandi, Nissheneyra) (Entered: 07/07/2023)
07/20/2023	<u>8</u>	

		AFFIDAVIT re <u>7</u> Order to Show Cause <i>Rule 4(m) Show Cause Declaration</i> by Mary Seguin. (Attachments: # <u>1</u> Exhibit Exhibits A to B attached to Plaintiff's Rule 4(m) Show Cause Declaration)(Seguin, Mary) (Entered: 07/20/2023)
08/07/2023	<u>9</u>	NOTICE of Appearance by Marissa D. Pizana on behalf of Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services (Pizana, Marissa) (Entered: 08/07/2023)
08/07/2023	<u>10</u>	MOTION for an Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond to the Complaint</i> filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Responses due by 8/21/2023. (Pizana, Marissa) (Entered: 08/07/2023)
08/07/2023	<u>11</u>	EXHIBIT IN SUPPORT by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services in support of <u>10</u> MOTION for an Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond to the Complaint</i> . (Pizana, Marissa) (Entered: 08/07/2023)
08/08/2023	<u>12</u>	MOTION for an Extension of Time to Amend <u>1</u> Complaint <i>Pursuant to Rule 15</i> filed by Mary Seguin. Responses due by 8/22/2023. (Attachments: # <u>1</u> Exhibit Exhibit A to E attached to Plaintiff Motion for Extension of Time To Amend Complaint 080823, # <u>2</u> Affidavit Affidavit in Support of Plaintiff Motion for Extension of Time to Amend Complaint 080823, # <u>3</u> Exhibit Exhibit A to D attached to Affidavit in Support of Plaintiff Motion for Extension of Time to Amend Complaint 080823)(Seguin, Mary) (Entered: 08/08/2023)
08/10/2023	<u>13</u>	NOTICE of Appearance by Joanna M. Achille on behalf of Gero Meyersiek (Achille, Joanna) (Entered: 08/10/2023)
08/10/2023	<u>14</u>	First MOTION for an Extension of Time to File Answer re <u>1</u> Complaint filed by Gero Meyersiek. Responses due by 8/24/2023. (Achille, Joanna) (Entered: 08/10/2023)
08/15/2023		TEXT ORDER granting <u>10</u> Motion for Extension of Time to Answer. Rhode Island Department of Human Services answer due 10/9/2023; Rhode Island Department of Human Services Office of Child Support Services answer due 10/9/2023. So Ordered by District Judge William E. Smith on 8/15/2023. (Urizandi, Nissheneyra) (Entered: 08/15/2023)
08/16/2023	<u>15</u>	RESPONSE In Opposition to <u>12</u> MOTION for an Extension of Time to Amend <u>1</u> Complaint <i>Pursuant to Rule 15</i> filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Replies due by 8/23/2023. (Pizana, Marissa) (Entered: 08/16/2023)
08/16/2023	<u>16</u>	REPLY to Response re <u>15</u> Response to Motion, <i>Plaintiff's Motion for Extension of Time to Amend Complaint</i> filed by Mary Seguin. (Seguin, Mary) (Entered: 08/16/2023)
08/17/2023	<u>17</u>	MOTION for Temporary Restraining Order filed by Mary Seguin. (Attachments: # <u>1</u> Supporting Memorandum Memorandum In Support of Motion for Preliminary Injunction and Temporary Restraining Order, # <u>2</u> Affidavit Affidavit in Support of Plaintiff Motion for TRO, # <u>3</u> Exhibit Exhibits Attached to Plaintiff Motion for TRO and Preliminary Injunction)(Seguin, Mary) (Entered: 08/17/2023)
08/17/2023	<u>18</u>	AFFIDAVIT re <u>17</u> MOTION for Temporary Restraining Order <i>and Motion for Preliminary Injunction</i> by Mary Seguin. (Seguin, Mary) (Entered: 08/17/2023)
08/18/2023	<u>19</u>	

		AFFIDAVIT re <u>17</u> MOTION for Temporary Restraining Order and Rule 65(a) Motion for Injunctive Relief by Mary Seguin. (Attachments: # <u>1</u> Exhibit Rhode Island Family Court Emergency Motion to Stay Proceedings)(Seguin, Mary) (Entered: 08/18/2023)
08/18/2023	<u>20</u>	EXHIBIT IN SUPPORT by Mary Seguin in support of <u>18</u> Affidavit, <u>17</u> MOTION for Temporary Restraining Order , <u>1</u> Complaint, <u>19</u> Affidavit <i>Affidavit in Support of Evidence Submitted for Complaint and Motion for Temporary Restraining Order.</i> (Seguin, Mary) (Entered: 08/18/2023)
08/18/2023	<u>21</u>	EXHIBIT IN SUPPORT by Mary Seguin in support of <u>1</u> Complaint . (Attachments: # <u>1</u> Exhibit Documentary Evidentiary Support, # <u>2</u> Exhibit Evidentiary Support, # <u>3</u> Exhibit Evidentiary Support, # <u>4</u> Exhibit Evidentiary Support, # <u>5</u> Exhibit Evidentiary Support, # <u>6</u> Exhibit Evidentiary Support, # <u>7</u> Exhibit Audio Recording Evidentiary Support)(Seguin, Mary) (Entered: 08/18/2023)
08/18/2023	<u>22</u>	DOCKET NOTE: Audio file was received and will be maintained in the Clerk's Office. Regarding: <u>20</u> Exhibit in Support, <u>21</u> Exhibit in Support, <u>18</u> Affidavit, <u>17</u> MOTION for Temporary Restraining Order , <u>1</u> Complaint, <u>19</u> Affidavit. (Kenny, Meghan) (Entered: 08/18/2023)
08/18/2023	<u>23</u>	Emergency MOTION for Hearing re <u>17</u> MOTION for Temporary Restraining Order filed by Mary Seguin. Responses due by 9/1/2023. (Seguin, Mary) (Entered: 08/18/2023)
08/18/2023	<u>24</u>	Second MOTION for Hearing re <u>17</u> MOTION for Temporary Restraining Order filed by Mary Seguin. Responses due by 9/1/2023. (Kenny, Meghan) (Entered: 08/18/2023)
08/18/2023		TEXT ORDER denying Plaintiff's <u>17</u> Motion for Temporary Restraining Order and Preliminary Injunction. Because the ongoing proceedings in state court implicate a significant state interest, the Younger abstention doctrine applies, requiring this Court to abstain from enjoining ongoing state proceedings. <i>See Younger v. Harris</i> , 401 U.S. 37 (1971); <i>Sirva Relocation, LLC v. Richie</i> , 794 F.3d 185, 191–93 (1st Cir. 2015). The ongoing proceeding in Family Court implicates the State's interest in enforcing the orders and judgments of its courts and in its ability to collect child support payments, the state court is fully competent to adjudicate Plaintiff's claims, and no <i>Younger</i> abstention exceptions apply. <i>See Sirva</i> , 794 F.3d at 192. Accordingly, Plaintiff's <u>17</u> Motion for Temporary Restraining Order and Preliminary Injunction is DENIED. So Ordered by District Judge William E. Smith on 8/18/2023. (Urizandi, Nissheneyra) (Entered: 08/18/2023)
08/18/2023		TEXT ORDER granting Plaintiff's <u>12</u> Motion for an Extension of Time to Amend Complaint and Defendant Gero Meyersiek's <u>14</u> First Motion for an Extension of Time to File Answer. Because Defendants have not yet filed a responsive pleading, Plaintiff is permitted to amend her Complaint pursuant to Federal Rule of Civil Procedure 15(a). Plaintiff is directed to file her amended complaint within fourteen days from the date of this order. In light of this extension, Defendant Gero Meyersiek's request for an extension of time is also granted, and he is directed to respond to Plaintiff's amended complaint within 60 days of its filing. So Ordered by District Judge William E. Smith on 8/18/2023. (Urizandi, Nissheneyra) (Entered: 08/18/2023)
08/18/2023		TEXT ORDER denying Plaintiff's <u>23</u> Emergency Motion for Hearing and <u>24</u> Second Motion for Hearing. In light of the denial of Plaintiff's <u>17</u> Motion for Temporary Restraining Order and Preliminary Injunction, Plaintiff's requests for a hearing on that motion are DENIED as MOOT. So Ordered by District Judge William E. Smith on 8/18/2023. (Urizandi, Nissheneyra) (Entered: 08/18/2023)

09/01/2023	<u>25</u>	AMENDED COMPLAINT against All Defendants, filed by Mary Seguin.(Seguin, Mary) (Entered: 09/01/2023)
09/05/2023	<u>26</u>	NOTICE by Mary Seguin <i>Notice and Demand of Claims Against Defendants' Liability Insurance Policies and Coverage</i> (Seguin, Mary) (Entered: 09/05/2023)
09/06/2023	<u>27</u>	MOTION for an Extension of Time to File Answer re <u>25</u> Amended Complaint filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Responses due by 9/20/2023. (Pizana, Marissa) (Entered: 09/06/2023)
09/08/2023	<u>28</u>	RESPONSE In Opposition to <u>27</u> MOTION for an Extension of Time to File Answer re <u>25</u> Amended Complaint filed by Mary Seguin. Replies due by 9/15/2023. (Seguin, Mary) (Entered: 09/08/2023)
09/19/2023		TEXT ORDER granting <u>27</u> Motion for an Extension of Time to File Answer. Rhode Island Department of Human Services' answer is due November 17, 2023; Rhode Island Department of Human Services Office of Child Support Services' answer is due November 17, 2023. So Ordered by District Judge William E. Smith on 9/19/2023. (Urizandi, Nissheneyra) (Entered: 09/19/2023)
09/30/2023	<u>29</u>	First MOTION for Recusal <i>Pursuant to 28 U.S.C. § 455</i> filed by Mary Seguin. Responses due by 10/16/2023. (Seguin, Mary) (Entered: 09/30/2023)
10/02/2023		TEXT ORDER denying Plaintiff's <u>29</u> Motion for Recusal. Plaintiff "moves to recuse and/or disqualify" me and "all justices, judges, or magistrate judges... in the U.S. District Court of Rhode Island." A judge may be disqualified from a case if "(1) the judges impartiality may reasonably be questioned; or (2) the judge may have a personal bias or prejudice concerning a party." <u>United States v. Kelley</u> , 712 F.2d 884, 889 (1st Cir. 1983); <u>see</u> 28 U.S.C. § 455. Plaintiff argues that I and the other judges of this Court should disqualify ourselves because we did so <u>sua sponte</u> in her past lawsuits. Plaintiff does not identify any other facts to support her argument that I should recuse myself from this case. Plaintiffs argument is plainly insufficient to justify recusal and disqualification. <u>See United States v. Houston</u> , No. 3:13-10-DCR, 2013 WL 3975405, at *10 (E.D. Tenn. July 29, 2013) ("A judges recusal in a prior case does not alone require disqualification in a subsequent case."). Accordingly, Plaintiffs motion for Recusal is DENIED. So Ordered by District Judge William E. Smith on 10/2/2023. (Urizandi, Nissheneyra) (Entered: 10/02/2023)
10/17/2023	<u>30</u>	Summons Request filed by Mary Seguin. (Attachments: # <u>1</u> Summons Request, # <u>2</u> Summons Request)(Kenny, Meghan) (Entered: 10/17/2023)
10/19/2023		TEXT ORDER dismissing the action under <u>Younger</u> abstention. Though not raised by the parties, the Court has the power and obligation to dismiss an action if the principles of abstention so require. <u>See Guillemard-Ginorio v. Contreras-Gomez</u> , 585 F.3d 508, 517-18 (1st Cir. 2009); <u>see also Bellotti v. Baird</u> , 428 U.S. 132, 14344 n.10 (1976) (recognizing that "abstention may be raised by the court sua sponte"). Plaintiff filed a 91-page Amended Complaint asking the Court to address the child support payments for which she alleges she is being wrongfully charged and her perceived grievance that she is being denied access to court records under the Rhode Island Access to Public Records Act ("APRA"). <u>See generally</u> Am. Compl., ECF No. <u>25</u> . Plaintiff seeks to impede both the child support proceedings before the Rhode Island Family Court ("Family Court") and her action before the Rhode Island Superior Court ("Superior Court") concerning her alleged denial of access to court records. The telltale signs that Plaintiff is attempting to encumber state court proceedings are the facts that Plaintiff, in

her Amended Complaint, included as parties, among others, the Superior Court, various state court clerks, and the Chief Justice of the Rhode Island Supreme Court; Plaintiff filed a Motion for Temporary Restraining Order and Preliminary Injunction seeking to "enjoin[] and restrain[] the Defendants from continuing prosecution of the family court proceeding against the Plaintiff," Mot. for TRO and Prelim. Inj. 16, ECF No. 17 ; and Plaintiff asked the Court, in her Amended Complaint, to "[e]njoin the Defendants[]" enforcement and practices of rules, practices, and/or policies" of the state courts, Am. Compl. 90. The issues being considered before the Family Court directly relate to this case because, according to the Amended Complaint, Defendant Rhode Island Department of Human Services ("RIDHS") is seeking child support arrearage interest from Plaintiff. See Am. Compl. ¶¶ 135–37 (recognizing that RIDHS is seeking compound interest). Moreover, Plaintiff admits that she has a pending case before the Superior Court where she alleges violations of the APRA. See Am. Compl. ¶ 2; see also Seguin v. R.I. Dept of Human Servs., PC–2022–07215 (R.I. Super. Ct.). The Court takes judicial notice of the proceedings before both state tribunals. See Meyersiek v. Seguin, K–2001–0521M (R.I. Fam. Ct.); see also Fed. R. Evid. 201 (permitting, "at any stage of the proceeding," sua sponte judicial notice of facts "not subject to reasonable dispute because" they "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned"). The Younger abstention doctrine, derived from Younger v. Harris, 401 U.S. 37 (1971), "counsels federal–court abstention when there is a pending state proceeding." Moore v. Sims, 442 U.S. 415, 423 (1979). For the doctrine to apply, certain elements must be met. "First, the pending state [court] proceeding must fall into one of three categories: 1) criminal prosecutions, 2) civil proceedings that are 'akin to criminal prosecutions' ('quasi–criminal proceedings') or 3) civil proceedings that 'implicate a State's interest in enforcing the orders and judgments of its courts.'" Credit Acceptance Corp. v. Healey, 544 F. Supp. 3d 139, 143 (D. Mass. 2021) (quoting Sirva Relocation, LLC v. Richie, 794 F.3d 185, 192 (1st Cir. 2015)). Here, relief for Plaintiff in the pending Family Court case would implicate the state's interest in enforcing the orders and judgments of its courts concerning the payment and collection of child support. See Seguin v. Bedrosian, No. 12–cv–614–JD, 2013 WL 367722, at *2 (D.R.I. Jan. 30, 2013). Moreover, the state has an asserted interest in having appeals under the APRA be heard before the Superior Court. See R.I. Gen. Laws § 38–2–9. Second, the state court case must satisfy the factors identified in Middlesex County Ethics Committee v. Garden State Bar Association, 457 U.S. 423 (1982): "1) the state proceeding is ongoing, 2) it involves significant state interests and 3) it provides an adequate opportunity for the plaintiff to raise his federal claims in state court." Credit Acceptance Corp., 544 F. Supp. 3d at 143; see also Middlesex, 457 U.S. at 432. The first factor is satisfied because the proceedings are ongoing. The second factor is satisfied because the state has an interest in family relations and the payment and collection of child support, see Eastman v. New Hampshire, No. 11–cv–316–SM, 2012 WL 405487, at *3 (D.N.H. Jan. 17, 2012), report and recommendation adopted, No. 11–cv–316–SM, 2012 WL 405507 (D.N.H. Feb. 8, 2012), and an interest in the "fair and orderly administration of justice" that includes maintaining sensitive and confidential judicial records, see Courthouse News Serv. v. Quinlan, 32 F.4th 15, 21 (1st Cir. 2022). As for the third factor, "[e]xcept in the most extraordinary cases, a federal court must presume that state courts, consistent with the imperatives of the Supremacy Clause, see U.S. Const. art. VI, are fully competent to adjudicate federal constitutional and statutory claims properly presented by the parties." Casa Marie, Inc. v. Super. Ct. of P.R., 988 F.2d 252, 262 (1st Cir. 1993) (footnote omitted). Nothing suggests that the Family Court and the Superior Court cannot hear Plaintiff's federal claims. Third, none of the Younger abstention exceptions apply. See Sirva, 794 F.3d at 192 (finding abstention

		<p>inappropriate if 1) the state proceeding is brought "in bad faith" to harass, 2) the state forum cannot adequately protect federal rights, or 3) the state statute is "flagrantly and patently violative of express constitutional prohibitions" (citations omitted)). Accordingly, because the Court does not have jurisdiction over Plaintiff's case, it is DISMISSED in its entirety. Because Plaintiff has a history of filing frivolous and repetitive motions following decisions of the Court of which she disapproves, <u>see Seguin v. R.I. Office of Child Support Servs.</u>, No. 1:23-cv-00034-WES-PAS (D.R.I.), it is further ORDERED that the Courts March 30, 2023, Text Order granting Plaintiff Leave to Proceed as a Pro Se Electronic Filer is VACATED. Plaintiff's Electronic Filer privileges are revoked. <u>See</u> LR Gen 302(b). So Ordered by District Judge William E. Smith on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)</p>
10/19/2023	<u>31</u>	<p>JUDGMENT. So Ordered by Clerk of Court on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)</p>
11/17/2023		<p>TEXT ORDER: The Court is in receipt of Plaintiff's two recent emails to the Clerk's Office. The Court construes these emails as motions for leave to file the motions attached to those emails and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) Modified on 11/17/2023 to correct a typo. (Urizandi, Nissheneyra). (Entered: 11/17/2023)</p>
11/17/2023		<p>TEXT ORDER: The Court is in receipt of Plaintiff's email to the Clerk's Office this afternoon. As with its order issued earlier today, the Court construes this email as a motion for leave to file the motion attached to the email and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) (Entered: 11/17/2023)</p>
11/17/2023	<u>32</u>	<p>NOTICE OF APPEAL by Mary Seguin as to Text Order, Text Order,</p> <p>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 11/24/2023. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 11/17/2023)</p>
11/17/2023	<u>33</u>	<p>CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a certified copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). <u>32</u> Notice of Appeal. Documents Sent: Text Order 11/17/2023, Text Order 11/17/2023. (Attachments: # <u>1</u> Record on Appeal)(Kenny, Meghan) (Entered: 11/17/2023)</p>
11/17/2023	<u>34</u>	<p>MOTION Rule 59 for a New Trial filed by Mary Seguin. Responses due by 12/1/2023. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 11/20/2023)</p>
11/17/2023	<u>35</u>	<p>MOTION Rule 60(b) filed by Mary Seguin. Responses due by 12/1/2023. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 11/20/2023)</p>
11/17/2023	<u>36</u>	<p>DOCKET NOTE: Duplicate received regarding: <u>34</u> MOTION Rule 59 for a New Trial . (Attachments: # <u>1</u> Email) (DaCruz, Kayla) (Entered: 11/20/2023)</p>
11/17/2023	<u>37</u>	<p>MOTION Rule 60(b)(1) filed by Mary Seguin. Responses due by 12/1/2023. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 11/20/2023)</p>

11/20/2023		TEXT ORDER: On November 17, 2023, Plaintiff attempted to file three motions in this case. Plaintiff emailed these motions to the Clerk's Office because the Court revoked Plaintiff's electronic filer privileges in its October 19, 2023, text order. After reviewing the three motions, the Court denied Plaintiff leave to file. However, although Plaintiff must seek leave to file documents in another case before this Court, the same restriction does not apply in this case. Therefore, the Clerk's Office is directed to docket the three motions Plaintiff sought to file. Plaintiff has now appealed, so this Court has limited jurisdiction, but when Plaintiff's appeal is resolved the Court will resolve these three motions. So Ordered by District Judge William E. Smith on 11/20/2023. (Urizandi, Nissheneyra) (Entered: 11/20/2023)
11/20/2023		USCA Case Number 23-1967 for <u>32</u> Notice of Appeal, filed by Mary Seguin. (Hill, Cherelle) (Entered: 11/20/2023)
11/20/2023	<u>38</u>	NOTICE OF APPEAL by Mary Seguin as to 11/20/2023 Text Order. NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacер.psc.uscourts.gov/cmecf/. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf Appeal Record due by 11/27/2023. (Attachments: # <u>1</u> Email)(DaCruz, Kayla) (Entered: 11/20/2023)
11/20/2023	<u>39</u>	CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a certified copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). <u>38</u> Notice of Appeal. (Attachments: # <u>1</u> Record on Appeal)(DaCruz, Kayla) (Entered: 11/20/2023)
11/20/2023	<u>40</u>	Supplemental Record on Appeal transmitted to U.S. Court of Appeals for the First Circuit. <u>32</u> Notice of Appeal,,. (Attachments: # <u>1</u> Text Order)(Urizandi, Nissheneyra) (Entered: 11/20/2023)
11/27/2023		USCA Case Number 23-1978 for <u>38</u> Notice of Appeal, filed by Mary Seguin. (Hill, Cherelle) (Entered: 11/27/2023)
11/28/2023	<u>41</u>	RESPONSE In Opposition to <u>34</u> MOTION Rule 59 for a New Trial filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Replies due by 12/5/2023. (Pizana, Marissa) (Entered: 11/28/2023)
11/28/2023	<u>42</u>	RESPONSE In Opposition to <u>35</u> MOTION Rule 60(b) filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Replies due by 12/5/2023. (Pizana, Marissa) (Entered: 11/28/2023)
11/28/2023	<u>43</u>	RESPONSE In Opposition to <u>37</u> MOTION Rule 60(b)(1) filed by Rhode Island Department of Human Services, Rhode Island Department of Human Services Office Of Child Support Services. Replies due by 12/5/2023. (Pizana, Marissa) (Entered: 11/28/2023)
11/28/2023	<u>44</u>	REPLY to Response re <u>43</u> Response to Motion, <u>42</u> Response to Motion, <u>41</u> Response to Motion, filed by Mary Seguin. (Attachments: # <u>1</u> Email) (Gonzalez Gomez, Viviana) (Entered: 11/29/2023)

12/04/2023	<u>45</u>	MOTION to Stay <i>Pending Appeal</i> filed by Mary Seguin. Responses due by 12/18/2023. (Attachments: # <u>1</u> Email)(Hill, Cherelle) (Entered: 12/04/2023)
12/05/2023		TEXT ORDER denying Plaintiff's <u>45</u> Motion to Stay Pending Appeal under Federal Rule of Appellate Procedure 8. Plaintiff seeks a stay of judgment pending appeal. Before seeking relief from the Court of Appeals, a litigant must first request relief from the District Court. <u>Dist. 4 Lodge of Intl Assoc. of Machinists & Aerospace Workers Loc. Lodge 207 v. Raimondo</u> , No. 1:21-cv-00275-LEW, 2021 WL 5163306, at *1 (D. Me. Nov. 5, 2021). The factors that govern the issuance of a preliminary injunction are the same as the factors for relief under Rule 8. <u>Id.</u> (citing <u>Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. of City of Bos.</u> , 996 F.3d 37, 44 (1st Cir. 2021)). To grant such relief, "a district court must find the following four elements satisfied: (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm absent interim relief, (3) a balance of equities in the [movants] favor, and (4) service of the public interest." <u>Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.</u> , 794 F.3d 168, 171 (1st Cir. 2015). Here, Plaintiff has not made a showing that any of the factors justify staying judgment pending appeal. Principally, Plaintiff will not face irreparable harm absent interim relief. If, hypothetically, the Court granted Plaintiffs' Motion, the stay would not have any legal effect because there is nothing for the Court to enjoin. In other words, there is no immediate harm facing Plaintiff for the Court to prevent. The status quo would be the same whether or not the Court grants Plaintiffs motion. Plaintiff misunderstands this point. Therefore, Plaintiff's <u>45</u> Motion to Stay Pending Appeal is DENIED. So Ordered by District Judge William E. Smith on 12/5/2023. (Simoncelli, Michael) (Entered: 12/05/2023)
12/14/2023	<u>47</u>	U.S. Court of Appeals for the First Circuit Appeal Fees received \$505.00 re: <u>32</u> Notice of Appeal, filed by Mary Seguin. (Gonzalez Gomez, Viviana) (Additional attachment(s) added on 12/27/2023: # <u>2</u> Envelope with Payment, # <u>3</u> Envelope – FedEx) (Gonzalez Gomez, Viviana). (Entered: 12/27/2023)
12/27/2023	<u>46</u>	Supplemental Record on Appeal transmitted to U.S. Court of Appeals for the First Circuit. <u>32</u> Notice of Appeal. Unrestricted Documents Sent: [doc] filing date 12/14/2023. (Attachments: # <u>1</u> Supplemental Record on Appeal) (Gonzalez Gomez, Viviana) (Entered: 12/27/2023)
02/01/2024	<u>48</u>	ORDER denying Plaintiff's <u>34</u> Rule 59 Motion for a New Trial, denying <u>35</u> Rule 60(b) Motion, and denying as moot <u>37</u> Rule 60(b)(1) Motion. So Ordered by District Judge William E. Smith on 2/1/2024. (Urizandi, Nissheneyra) (Entered: 02/01/2024)
03/01/2024	<u>49</u>	MOTION for an Extension of Time filed by Mary Seguin. Responses due by 3/15/2024. (Hill, Cherelle) (Entered: 03/04/2024)
03/04/2024	<u>50</u>	Supplemental Record on Appeal transmitted to U.S. Court of Appeals for the First Circuit. <u>38</u> Notice of Appeal,, <u>32</u> Notice of Appeal,,. Unrestricted Documents Sent: 34, 35, 37, and 49. (Attachments: # <u>1</u> Supplemental Record on Appeal)(Urizandi, Nissheneyra) (Entered: 03/04/2024)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN,
pro se

Plaintiff,

VS.

Civil Action No. 1:23-cv-126-WES-PAS
U.S. Court of Appeals for the First Circuit Appeal No. 23-1967
Related Appeal No. 23-1978
Related Appeal No. 23-1851

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES in its official capacity; MICHAEL D. COLEMAN, DEBORAH A. BARCLAY in their individual and official capacities; RHODE ISLAND OFFICE OF CHILD SUPPORT SERVICES in its official capacity; KEVIN TIGHE, MONIQUE BONIN, FRANK DIBIASE, WENDY FOBERT, KARLA CABALLEROS, TIMOTHY FLYNN, LISA PINSONNEAULT, CARL BEAUREGARD, PRISCILLA GLUCKSMAN, JOHN LANGLOIS, PAUL GOULD, in their individual and official capacities; RHODE ISLAND STATE COURT SYSTEM in its official capacity; PAUL A. SUTTELL in his individual and official capacity as EXECUTIVE HEAD OF RHODE ISLAND STATE COURT SYSTEM; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS in its official capacity; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT in its official capacity; RHODE ISLAND JUDICIAL COUNCIL in its official capacity; RHODE ISLAND SUPERIOR COURT in its official capacity; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL in its official capacity; THE JUDICIAL TECHNOLOGY CENTER in its official capacity; JULIE HAMIL, MARISA BROWN, JOHN JOSEPH BAXTER, JR., JUSTIN CORREA in their individual and official capacities; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL in its official capacity; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT in its official capacity; ADAM D. ROACH, PETER NERONHA in their official and individual capacities; TYLER TECHNOLOGIES, INC.; GERO MEYERSIEK

Defendants

PLAINTIFF'S Fed. R. App. P. 4(a)(5) MOTION FOR EXTENSION OF TIME

Plaintiff, proceeding from and as a citizen of Texas, respectfully requests pursuant to Fed. R. App. P. 4(a)(5) for an extension of time of 30 days to April 1, 2024 allowing the Plaintiff adequate opportunity to consider the March 1, 2024 Order of the United States Court of Appeals for the First Circuit, including but not limited to filing a Notice of Appeal or amend Plaintiff's Notice of Appeal from the district court's post-judgment order in this matter. Plaintiff

reserves and preserves all applicable issues and her applicable appellate rights to be raised at the appropriate time in accordance with the laws of civil procedure governing this official federal proceeding. On the afternoon of March 1, 2024, Plaintiff received a court notice of the Order issued by the United States Court of Appeals for the First Circuit Appeal No. 23-1967. Plaintiff, proceeding from Texas and *pro se*, has not had an adequate opportunity to adequately review, consider or respond. Plaintiff files this herein motion for extension of time of 30 days allowing the Plaintiff adequate opportunity to do so.

Due to a pattern of Judge Smith's off-the-record issuances of instructions from **November 16, 2023 to November 17, 2023** to the district court's clerks directing clerks to **not** docket Plaintiff's post-judgment Rule 59 and Rule 60(b) motion submissions via email **emailed and received by the district court on November 16, 2023** and November 17, 2023, as well as due to Judge Smith's pattern of "construing" Plaintiff's aforesaid motion submission "emails as motions for leave to file" as the pretexts to **obstruct the docketing of said motions**, then to deny Plaintiff's emailed court submissions of timely post-judgment **November 16, 2023** Rule 59 motion and Rule 60(b) motions submitted prior to Plaintiff's filing of the November 17, 2023 Notice of Appeal in this matter, Plaintiff herewith in good faith additionally certifies service of this motion for extension of time pursuant to Fed. R. App. P. 4(a)(5) to the Clerk of the Court of the United States Court of Appeals for the First Circuit, in a good faith and diligent showing of compliance with the Order of that First Circuit Appellate Court. The obvious undisputable fact remains that in this digital age of digital courts such as this instant court, written "**emails** construed as motions for leave to file" are nonetheless written motions, and written motions are per the law of civil procedure required to be docketed into the record in a federal court of record in an official federal proceeding.

Furthermore, Plaintiff emphasizes that since Plaintiff has not had an adequate opportunity to review the First Circuit Court's Order in the compressed time of a mere few hours and it appearing from the Order that there is only a few hours to act on an impending deadline in these extraordinary circumstances, therefore Plaintiff is moving the district court for an extension of time to allow Plaintiff the opportunity to adequately review and consider the Order, including but not limited to consider whether to file a notice of appeal or amend her notice of appeal.

WHEREFORE, Plaintiff requests this district Court for an extension of time of 30 days to April 1, 2024 to allow the Plaintiff an adequate time and opportunity to review and consider the First Circuit's Order, including but not limited to filing a Notice of Appeal or amend the Notice of Appeal in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 1, 2024, I filed the within Motion with the Clerk of the Court via email at RID_ECF_INTAKE@rid.uscourts.gov and with the Clerk of the Court of the United States Court of Appeals for the First Circuit at CA01ECFHelpDesk@ca1.uscourts.gov

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: maryseguin22022@gmail.com

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: March 1, 2024